

ROBERT C. SCHUBERT (CA SBN 62684)
 WILLEM F. JONCKHEER (CA SBN 178748)
 SCHUBERT JONCKHEER & KOLBE LLP
 Three Embarcadero Center, Suite 1650
 San Francisco, CA 94111
 Telephone: (415) 788-4220
 rschubert@schubertlawfirm.com
 wjonckheer@schubertlawfirm.com

BRIAN J. WANCA (*pro hac vice*)
 GLENN L. HARA (*pro hac vice*)
 RYAN M. KELLY (*pro hac vice*)
 ROSS M. GOOD (*pro hac vice*)
 ANDERSON & WANCA
 3701 Algonquin Road, Suite 500
 Rolling Meadows, IL 60008
 Telephone: (847) 368-1500
 bwanca@andersonwanca.com
 ghara@andersonwanca.com
 rkelly@andersonwanca.com
 rgood@andersonwanca.com

GEORGE D. JONSON (*pro hac vice*)
 MATTHEW E. STUBBS (*pro hac vice*)
 MONTGOMERY JONSON LLP
 600 Vine Street, Suite 2650
 Cincinnati, OH 45202
 Telephone: 513-241-4722
 gjonson@mojolaw.com
 mstubbs@mojolaw.com

Attorneys for Plaintiffs

TIFFANY CHEUNG (CA SBN 211497)
 TCheung@mofo.com
 BONNIE LAU (CA SBN 246188)
 BLau@mofo.com
 JESSICA L. GRANT (CA SBN 178138)
 JGrant@mofo.com
 MORRISON & FOERSTER LLP
 425 Market Street
 San Francisco, California 94105-2482
 Telephone: 415.268.7000
 Facsimile: 415.268.7522

LYNDSEY H. CAIN (*pro hac vice*)
 LCain@mofo.com
 MORRISON & FOERSTER LLP
 4200 Republic Plaza
 370 Seventeenth Street
 Denver, Colorado 80202-5638
 Telephone: 303.592.2226
 Facsimile: 303.592.1510

ERIN P. LUPFER (CA SBN 317994)
 ELupfer@mofo.com
 MORRISON & FOERSTER LLP
 12531 High Bluff Drive
 San Diego, California 92130-2040
 Telephone: 858.720.5100
 Facsimile: 858.720.5125

Attorneys for Defendants
 MCKESSON TECHNOLOGIES INC.
 and MCKESSON CORPORATION

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

TRUE HEALTH CHIROPRACTIC INC., and
 MCLAUGHLIN CHIROPRACTIC
 ASSOCIATES, INC.,

Plaintiffs,

v.

MCKESSON CORPORATION,
 MCKESSON TECHNOLOGIES INC.,
 and DOES 1-10,

Defendants.

Case No. 4:13-cv-02219-HSG

**JOINT EXHIBIT LIST FOR THE
 COURT'S DETERMINATION OF
 PLAINTIFFS' INDIVIDUAL CLAIMS
 FOR TREBLE DAMAGES**

Trial: January 10, 2022
 Time: 10:00 a.m.
 Courtroom: 2, 4th Floor
 Judge: Haywood S. Gilliam, Jr.

1 Pursuant to the Court’s November 1, 2021 Scheduling Order (ECF No. 493), Plaintiffs
2 McLaughlin Chiropractic Associates, Inc. and True Health Chiropractic, Inc. (collectively,
3 “Plaintiffs”) and Defendants McKesson Corporation and McKesson Technologies Inc.,
4 (collectively, “Defendants,” and together with Plaintiffs, the “Parties”), hereby submit the joint
5 exhibit list for the Court’s determination of Plaintiffs’ individual claims for treble damages.
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit No	Doc Date	Description	Proffered By	Sponsoring Witness	Stipulated to Admissibility	Objection	Response	Date Admitted into Evidence
1		Fax Template RS-TRUEHEALTH 000352	Plaintiffs		Yes			
4		Fax Template RS-TRUEHEALTH 000355	Plaintiffs		Yes			
5		Fax Template RS-TRUEHEALTH 000356	Plaintiffs		Yes			
6		Fax Template RS-TRUEHEALTH 000357	Plaintiffs		Yes			
7		Fax Template RS-TRUEHEALTH 000358	Plaintiffs		Yes			
9		Fax Template RS-TRUEHEALTH 000360	Plaintiffs		Yes			
11		Fax Template RS-TRUEHEALTH 000362	Plaintiffs		Yes			

Exhibit No	Doc Date	Description	Proffered By	Sponsoring Witness	Stipulated to Admissibility	Objection	Response	Date Admitted into Evidence
13		Fax Template RS-TRUEHEALTH 000364	Plaintiffs		Yes			
16		Fax Template RS-TRUEHEALTH 000367	Plaintiffs		Yes			
18		Fax Template RS-TRUEHEALTH 000370-371	Plaintiffs		Yes			
22		Fax Template RS-TRUEHEALTH 000375	Plaintiffs		Yes			
29		Fax Template RS-TRUEHEALTH 000384	Plaintiffs		Yes			
31		Fax Template RS-TRUEHEALTH 000386	Plaintiffs		Yes			
35	5/9/2008	May 9, 2008 FCC Citation to McKesson (Faupel Dep Ex 1)	Plaintiffs	Dave Faupel, Jennifer Anderson		Hearsay (802); Lacks foundation; Not authenticated	Self-Authenticating; Non-Hearsay	

Exhibit No	Doc Date	Description	Proffered By	Sponsoring Witness	Stipulated to Admissibility	Objection	Response	Date Admitted into Evidence
47	2/3/2010	February 3, 2010 Medisoft Fax (McLaughlin Dep Ex 31)	Plaintiffs		Yes			
48	2/3/2010	February 22, 2010 Medisoft Fax (McLaughlin Dep Ex 32)	Plaintiffs		Yes			
49	5/11/2010	May 11, 2010 Medisoft Fax (McLaughlin Dep Ex 33)	Plaintiffs		Yes			
57		Software Registration Information for McLaughlin (Franya Peterson, D.C. 0013) (Peterson Dep Ex 13)	Plaintiffs		Yes			

Exhibit No	Doc Date	Description	Proffered By	Sponsoring Witness	Stipulated to Admissibility	Objection	Response	Date Admitted into Evidence
58		Medisoft Product Registration Confirmation for McLaughlin (Franya Peterson, D.C. 0012) (Peterson Dep Ex 16)	Plaintiffs		Yes			
59	7/13/2007	July 13, 2007 Support Agreement Confirmation for McLaughlin (Franya Peterson, D.C. 0001) (Peterson Dep Ex 17)	Plaintiffs		Yes			

Exhibit No	Doc Date	Description	Proffered By	Sponsoring Witness	Stipulated to Admissibility	Objection	Response	Date Admitted into Evidence
60	7/11/2017	July 11, 2007 Technical Support Agreement for McLaughlin (Franya Peterson, D.C. 0002 to Franya Peterson, D.C. 0005) (Peterson Dep Ex 18)	Plaintiffs		Yes			
61	7/13/2007	July 13, 2007 Fax from Per-Se to Dr. Peterson (Franya Peterson, D.C. 0039) (Peterson Dep Ex 19)	Plaintiffs		Yes			

Exhibit No	Doc Date	Description	Proffered By	Sponsoring Witness	Stipulated to Admissibility	Objection	Response	Date Admitted into Evidence
62	7/13/2007	July 13, 2007 Support Agreement Confirmation for McLaughlin (Franya Peterson, D.C. 0001 to Franya Peterson, D.C. 0048) (Peterson Dep Ex 20)	Plaintiffs	Franya Peterson		Portions are duplicative of Exs. 57-61; Portions are irrelevant (402)	Relevant to background	
66		Product Registration for Medisoft for McLaughlin (RS-TRUEHEALTH-000227) (Peterson Dep Ex 25)	Plaintiffs		Yes			

Exhibit No	Doc Date	Description	Proffered By	Sponsoring Witness	Stipulated to Admissibility	Objection	Response	Date Admitted into Evidence
72		Product Registration for Medisoft for True Health Chiropractic (RS-TRUEHEALTH-000001 to RS-TRUEHEALTH-000010) (Wilson Dep Ex 13)	Plaintiffs		Yes			
73	7/8/2015	Plaintiff's Notice of Taking Rule 30(b)(6) Deposition (Anderson Dep Ex 21)	Plaintiffs	Jennifer Anderson		Hearsay (802); Irrelevant (402)	Relevant to background and treble damages; Non-Hearsay	

Exhibit No	Doc Date	Description	Proffered By	Sponsoring Witness	Stipulated to Admissibility	Objection	Response	Date Admitted into Evidence
75	12/30/2009	December 30, 2009 Accelero Service Agreement and invoices of Accelero and Slingshot (RS-TRUEHEALTH 000454 to RS-TRUEHEALTH 000481) (Anderson Dep Ex 24)	Plaintiffs			Hearsay (802); Irrelevant (402); Lacks foundation; Not authenticated	Relevant to background and treble damages; Non-Hearsay, Admission of Party Opponent, and Record of Regularly Conducted Activities	
76	3/31/2015	March 31, 2015 McKesson Organization Chart (2015-05-13 [191-3] SEALED UNREDACTED Exhibit A_Org Chart)	Plaintiffs		Yes			

Exhibit No	Doc Date	Description	Proffered By	Sponsoring Witness	Stipulated to Admissibility	Objection	Response	Date Admitted into Evidence
89	2007	McKesson 10-K (2007)	Plaintiffs	Not applicable		Irrelevant (402); Needlessly cumulative (403); Lacks foundation; Per Judge Gilliam Standing Order, "Voluminous exhibits shall be reduced by elimination of irrelevant portions or through the use of summaries"	Relevant to treble damages; Admission of Party Opponent; Absence of a Record of Regularly Conducted Activity	
90	2008	McKesson 10-K (2008)	Plaintiffs	Not applicable		Irrelevant (402); Needlessly cumulative (403); Lacks foundation; Per Judge Gilliam Standing Order, "Voluminous exhibits shall be reduced by elimination of irrelevant portions or through the use of summaries"	Relevant to treble damages; Admission of Party Opponent; Absence of a Record of Regularly Conducted Activity	

Exhibit No	Doc Date	Description	Proffered By	Sponsoring Witness	Stipulated to Admissibility	Objection	Response	Date Admitted into Evidence
91	2009	McKesson 10-K (2009)	Plaintiffs	Not applicable		Irrelevant (402); Needlessly cumulative (403); Lacks foundation; Per Judge Gilliam Standing Order, "Voluminous exhibits shall be reduced by elimination of irrelevant portions or through the use of summaries"	Relevant to treble damages; Admission of Party Opponent; Absence of a Record of Regularly Conducted Activity	
92	2010	McKesson 10-K (2010)	Plaintiffs	Not applicable		Irrelevant (402); Needlessly cumulative (403); Lacks foundation; Per Judge Gilliam Standing Order, "Voluminous exhibits shall be reduced by elimination of irrelevant portions or through the use of summaries"	Relevant to treble damages; Admission of Party Opponent; Absence of a Record of Regularly Conducted Activity	

Exhibit No	Doc Date	Description	Proffered By	Sponsoring Witness	Stipulated to Admissibility	Objection	Response	Date Admitted into Evidence
93	2011	McKesson 10-K (2011)	Plaintiffs	Not applicable		Irrelevant (402); Needlessly cumulative (403); Lacks foundation; Per Judge Gilliam Standing Order, "Voluminous exhibits shall be reduced by elimination of irrelevant portions or through the use of summaries"	Relevant to treble damages; Admission of Party Opponent; Absence of a Record of Regularly Conducted Activity	
94	2012	McKesson 10-K (2012)	Plaintiffs	Not applicable		Irrelevant (402); Needlessly cumulative (403); Lacks foundation; Per Judge Gilliam Standing Order, "Voluminous exhibits shall be reduced by elimination of irrelevant portions or through the use of summaries"	Relevant to treble damages; Admission of Party Opponent; Absence of a Record of Regularly Conducted Activity	

Exhibit No	Doc Date	Description	Proffered By	Sponsoring Witness	Stipulated to Admissibility	Objection	Response	Date Admitted into Evidence
117	2021	McKesson Annual Report (2021)	Plaintiffs	Not applicable		Irrelevant (402); Needlessly cumulative (403); Lacks foundation; Per Judge Gilliam Standing Order, “Voluminous exhibits shall be reduced by elimination of irrelevant portions or through the use of summaries”	Relevant to treble damages; Admission of Party Opponent; Absence of a Record of Regularly Conducted Activity	
118	7/18/2014	Second Amended Class Action Complaint (ECF No. 90)	Plaintiffs			Hearsay (802); Irrelevant (402); Lacks foundation; Untimely ¹		

¹ Defendants reserve the right to move to strike Trial Exhibit Nos. 118-120 because Plaintiffs did not identify them as potential trial exhibits until close of business on December 15, 2021, twelve days after Defendants filed their trial brief and two days before the Parties were required to submit exhibits to the Court. Plaintiffs did not include Trial Exhibit Nos. 118-120 in either of the joint exhibit lists filed with the Court on October 18, 2021. (ECF Nos. 432-3, 432-4.)

Exhibit No	Doc Date	Description	Proffered By	Sponsoring Witness	Stipulated to Admissibility	Objection	Response	Date Admitted into Evidence
119	8/22/2014	McKesson Corporation's Answer to Second Amended Complaint (ECF No. 103)	Plaintiffs			Irrelevant (402); Untimely		
120	8/22/2014	McKesson Technologies Inc.'s Answer to Second Amended Complaint (ECF No. 104)	Plaintiffs			Irrelevant (402); Violates rule of completeness, as it does not include MTI's evidence to support retracting MTI's admission to Paragraph 20; ² Untimely		

² (See ECF Nos. 353, 353-3, 353-4, 353-5, 353-6, 359.) The Court previously determined that “MTI has already laid a foundation to find that it has retracted its judicial admission through its briefs opposing both the original and renewed class certification motions, *see* Dkt. Nos. 247, 302, and the evidentiary support submitted with this motion, *see* Dkt. Nos. 353-3, 353-4, 353-5, 353-6.” (ECF No. 369 at 4:7-10.)

Exhibit No	Doc Date	Description	Proffered By	Sponsoring Witness	Stipulated to Admissibility	Objection	Response	Date Admitted into Evidence
121	8/18/2021	Stipulation Regarding TCPA “Advertisement” Element (ECF No. 426)	Plaintiffs			Factual stipulations are not proper trial exhibits; Irrelevant (402) to the Court’s determination of treble damages claim		
122	8/20/2021	Stipulation Regarding “Sender” Element for TCPA Liability Purposes (ECF No. 428)	Plaintiffs			Factual stipulations are not proper trial exhibits; Irrelevant (402) to the Court’s determination of treble damages claim		
123	10/29/2021	Stipulation Regarding Named Plaintiffs’ Individual Receipt of Faxes at Issue (ECF No. 491)	Plaintiffs			Factual stipulations are not proper trial exhibits; Irrelevant (402) to the Court’s determination of treble damages claim		

1 Dated: December 17, 2021

By: /s/ Matthew E. Stubbs
MATTHEW E. STUBBS
MONTGOMERY JONSON LLP

3 *Counsel for Plaintiffs*
4 *McLaughlin Chiropractic Associates, Inc.*
5 *and True Health Chiropractic Inc.*

6 Dated: December 17, 2021

By: /s/ Tiffany Cheung
TIFFANY CHEUNG
MORRISON & FOERSTER LLP

8 *Counsel for Defendants*
9 *McKesson Technologies Inc.*
10 *and McKesson Corporation*

11
12 **FILER'S ATTESTATION**

13 I, Tiffany Cheung, in compliance with Civil Local Rule 5-1(i)(3), attest that I have on file
14 the concurrences for any signatures indicated by a "conformed" signature (/s/) within this e-filed
15 document.

16
17 Dated: December 17, 2021

By: /s/ Tiffany Cheung
Tiffany Cheung